

85th Legislative Session – 2010

Committee: House Judiciary

Wednesday, February 10, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Engels
P Feinstein
P Gibson
P Gosch
P Hamiel
P Hoffman
P Killer
P Lust
P Moser
P Schlekeway
P Turbiville
P Hunt, Vice-Chair
P Cutler, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Joni Cutler.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 3, 2010.

Moved by: Turbiville
Second by: Schlekeway
Action: Prevailed by voice vote.

HB 1244: increase the penalty for solicitation of a minor.

THE CHAIR DEFERRED HB 1244 UNTIL FRIDAY, FEBRUARY 12, 2012.

HB 1119: prohibit certain acts of sexual penetration and contact between certain high

school employees and students and to provide penalties therefor.

Presented by: Representative Charles Hoffman
Proponents: Jerry Hemmer, Self, Yankton
Opponents: Sandra Waltman, SD Education Association
Jim Hutmacher, SD Coalition of Schools
Sandy Arseneault, Self, Pierre

MOTION: AMEND HB 1119

1119ra

On page 1, line 6, of the printed bill, delete "as a teacher or coach".

On page 1, line 7, after "any" insert "sixteen or seventeen year old".

On page 1, line 8, delete "high school or secondary school" and insert "school district".

On page 1, line 11, delete "as a teacher or coach".

On page 1, line 12, after "any" insert "sixteen or seventeen year old".

On page 1, line 13, delete "high school or secondary school" and insert "school district".

On page 1, delete line 14.

On page 2, delete lines 1 to 3, inclusive.

Moved by: Gosch
Second by: Gibson
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1119 AS AMENDED

Moved by: Schlekeway
Second by: Engels
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1119

1119rb

On the previously adopted amendment (1119ra), after "school district" wherever it appears, insert "or any private school system".

Moved by: Hunt
Second by: Moser
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1119 AS AMENDED

Moved by: Moser
Second by: Engels
Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Hunt

Voting No: Turbiville, Cutler

MOTION: AMEND TITLE OF HB 1119

1119rta

On page 1, line 2, of the printed bill, delete "high".

Moved by: Gibson
Second by: Killer
Action: Prevailed by voice vote.

HB 1110: revise certain provisions relating to statutory rape and statutory sexual contact.

Presented by: Representative Richard Engels

THE CHAIR DEFERRED HB 1110 UNTIL FRIDAY, FEBRUARY 12, 2012.

HB 1104: limit the source of recovery in certain civil actions for childhood sexual abuse injuries.

Presented by: Representative Thomas Deadrick

Proponents: Steve Smith, Self, Chamberlain (Handouts: #1)

MOTION: DO PASS HB 1104

Moved by: Turbiville

Second by: Hoffman

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1104

1104ra

On page 1, line 10, of the printed bill, delete "twenty-five" and insert "thirty-five".

Moved by: Engels

Second by: Killer

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1104 AS AMENDED

Moved by: Turbiville

Second by: Hoffman

Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Engels, Gosch, Hamiel, Hoffman, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

Voting No: Feinstein, Gibson, Killer

*Gavel was passed to Vice-Chair Hunt.

HB 1105: permit the record of a person's conviction or arrest to be expunged.

Presented by: Representative Joni Cutler

Proponents: Roger Tellinghuisen, SD Trial Lawyers Association

Opponents: Chuck Schroyer, SD States Attorneys Association

THE CHAIR DEFERRED HB 1105 UNTIL FRIDAY, FEBRUARY 12, 2010.

MOTION: ADJOURN

Moved by: Turbiville
Second by: Schlekeway
Action: Prevailed by voice vote.

Linda Dugaard
Committee Secretary

Joni M. Cutler, Chair